

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

US BANK NATIONAL
ASSOCIATION, as Trustee for Credit
Suisse, FIRST BOSTON MORTGAGE
ACCEPTANCE CORP., MORTGAGE
PASS-THROUGH CERTIFICATES
SERIES 2006-1,

Plaintiff,

v.

DAVID CRAIG, DOES 1 to 10,
inclusive,
Defendant.

No. CV 13-8355 UA (DUTYx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT AND
PROHIBITING DEFENDANT FROM
FILING ANY FURTHER NOTICE OF
REMOVAL OF LOS ANGELES
SUPERIOR COURT CASE NO.
12H01759

The Court will remand this "Complaint for Unlawful Detainer," Case No. 12H01759, to state court summarily because Defendant removed it improperly.

On November 12, 2013, Defendant Jim Poet, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. Defendant has previously removed this same unlawful detainer proceeding on one prior occasion. On the prior occasion, this Court remanded the action noting that federal jurisdiction does not exist.

The Court has denied the *in forma pauperis* application under separate cover because the action, again, was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to

1 state court. Moreover, to prevent Defendant from further abusing the federal court to
2 obstruct his state proceedings without any basis, the Court issues this order prohibiting
3 him from filing any further notice of removal with respect to this unlawful detainer
4 action.

5 Simply stated, as the Court has previously determined, Plaintiff could not have
6 brought this action in federal court in the first place, in that Defendant does not
7 competently allege facts supplying either diversity or federal-question jurisdiction, and
8 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
9 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
10 complete diversity of citizenship existed, the amount in controversy does not exceed the
11 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
12 contrary, the unlawful-detainer complaint recites that the amount in controversy does not
13 exceed \$10,000.

14 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
15 28 U.S.C. §§ 1331, 1441(b).

16 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
17 Superior Court of California, County of Los Angeles, Chatsworth Courthouse, 9425
18 Penfield Avenue, Chatsworth, California 91311 for lack of subject matter jurisdiction
19 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to
20 the state court; and (3) that the Clerk serve copies of this Order on the parties.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///


1 IT IS FURTHER ORDERED that Jim Poet is prohibited from filing any further
2 Notice of Removals of this case from state court without an Order of the Court or of the
3 Chief Judge of the Central District of California allowing him to do so.

4 IT IS SO ORDERED.

5
6 DATED: 12/11/13

7
8 
9 _____
10 GEORGE H. KING
11 Chief United States District Judge

12 Presented by:

13 
14 /S/ FREDERICK F. MUMM
15 FREDERICK F. MUMM
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28